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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,340	03/01/2002	Alexander T. Rooker	2867/1	4103

7590 04/26/2005

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,340

Applicant(s)

ROOKER, ALEXANDER T.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15, 17, and 18-20 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-248) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1447 or PTO-8B/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the fifth office action for U.S. Application 10/086,340 for a Display Support filed by Alexander T. Rooker on March 1, 2002. Claims 9 and 14 have been canceled. Claims 10-13 and 16 have been withdrawn.

Claim Rejections - 35 USC § 102

Claims 1, 2, 7, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,479,735 to Martin, Jr. Martin Jr. discloses a display support for releasably and rigidly holding a flat display. The display support has a base frame member (48) and first and second side frame members (50 and 52) extending upwardly from opposing ends of the base frame member. The frame members have a substantially U-shaped channel formed therein with the channel of the first frame member facing the channel of the second member. The channel in the base frame member faces upwardly to form a continuous channel (see col. 4, lines 23-27) and the display (or sign, 20) slides into and is supported by the channel defined by the frame members. The display support has a support means (16) for mounting the frame members on a supporting surface (14). Martin, Jr. also discloses a support means with a horizontal first support member (56) with first and second ends, whereby a vertical second support member (58) is connected to the second end of the horizontal support member (via 60), extending upwardly therefrom. The second support member is perpendicular to the first support member, is attached to the base frame member, and a complimentary trailer hitch attachment (12) is at the second end. There is an aperture

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(see fig. 8 next to part 60) in the trailer attachment that can be aligned with a second aperture in a towing hitch and an engaging member could be positioned between the first and second apertures. The first and second members also formed an L-shaped support.

Claim Rejections - 35 USC § 103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Leff et al. Martin Jr. does not disclose a horizontal bracket with opposing ends connected to the first and second side frame members. Leff et al. discloses a display support for releasably and rigidly holding a flat display (4). The display support has a base frame member (bottom of 3) and first and second side frame members (sides of 3) extending upwardly from opposing ends of the base frame member. The frame members have a substantially U-shaped channel (see col. 2, lines 34-37) formed therein with the channel of the first frame member facing the channel of the second member. The channel in the base frame member faces upwardly to form a continuous channel and the display slides into and is supported by the channel defined by the frame members. The display support has a support means (8) for mounting the frame members on a supporting surface and there is a horizontal bracket (1) with opposing ends connected to the first and second side members of the frame for mounting the frame members to the support structure. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a horizontal bracket on the U-shaped frame members taught by Martin, Jr., as taught by Leff et al., for the purpose of further supporting a display.

Claim 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Leff et al., and in further view of Freeman et al. Martin, Jr. in view of Leff et al. does not disclose a bracket that includes apertures for mounting the frame to a support structure. Freeman et al. discloses a bracket (53) attached to a support structure (12 and 19). The bracket has holes for receiving fasteners that mount the two separate parts together. The bracket also has holes (66, 68, 71) for receiving fasteners to attach an accessory such as a license plate. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided holes in the bracket and supporting structure taught by Martin Jr. in view of Leff et al., as taught by Freeman et al, for the purpose of providing a secure means to mount the bracket and supporting structure (a fastener into the holes). It also would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided additional holes for receiving fasteners to secure an accessory.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin Jr., in view of Leff et al., in further view of Freeman et al., and in further view of Campos. Martin Jr. in view of Leff et al., and in further view of Freeman et al. does not disclose an adjustable stabilizing member attached to the bracket for mounting the frame members to a support structure. Campos discloses a display support member with a base member (16) and first and second side frame members (11). There is a supporting means (24 and 26) for mounting the frame members on a supporting structure and at least one adjustable stabilizing member (21) is attached to the rear of the frame members for attaching the frame members to the supporting structure. It would have

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been obvious to one of ordinary skill in the art at the time of the present invention to have replaced the supporting structure taught by Martin Jr. in view of Leff et al., and in further view of Freeman et al., with the supporting structure (24 and 26) and adjustable stabilizing member (21) taught by Campos, for the purpose of providing a means to adjust the angle of the display.

Claims 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of Leff et al., in further view of Freeman et al. Martin, Jr. in view of Leff et al. discloses all of the features of claim 15 (as discussed above with regards to claim 8), except a plurality of apertures formed in the single sheet of material and a fastener mounting the vertical support and the sheet material. Freeman et al. discloses a sheet of material with a plurality of apertures (four proximate to each corner and two vertically spaced pairs on opposing ends) that is mounted by a fastener to a vertical support. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a plurality of apertures in the sheet taught by Martin Jr. in view of Leff et al., as taught by Freeman et al., for the purpose of providing a secure means for mounting the display to the sheet material and the sheet material to the vertical support (via fastener). Martin, Jr. in view of Leff et al, in further view of Freeman et al. does not disclose rectangular apertures, however, the shape of the apertures is a matter of engineering preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a display support for a display with a base member and first and second side members having a continuous U-shaped channel, wherein the channels in the first and second side members face each other and the channel in the base member faces upwardly for slidably receiving a display, a support means for supporting the frame members and attaching to a towing hitch on a vehicle, whereby the support means has a first support member with first and second ends, whereby the first end has attachment means for releasable attachment to a towing hitch on a vehicle, and a second support member connected to the second end of the first support member and extending substantially perpendicular therefrom, wherein the base member is attached to the second support member and the display is positioned above the towing hitch, wherein the support means has a first bracket with opposing ends connected to the first and second side frame members for mounting the frame members to the second support members, and a second bracket attached to the first and second frame members, adjacent to the top ends of the first and second side frame members, and including at least one adjustable stabilizing member for attaching to the second bracket and the second support member, whereby the supporting frames are stabilized on the second support member

Response to Arguments

Applicant's arguments filed January 13, 2005 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an L-shaped support means) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant argues that Martin, Jr. does not disclose a clamp designed to mate with a round towing hitch ball. However, that is not claimed either. However, the attachment means (12) disclosed by Martin, Jr. is a clamp, and a clamp can be mated with a towing hitch on a vehicle. Applicant also argues that Martin, Jr. fails to disclose a complimentary trailer hitch attachment. Applicant argues that Martin, Jr. is not designed to slide into and be pinned by a hitch receiver, but that is not claimed. Applicant claims a hitch attachment adapted for being positioned with the towing hitch and receiving an engaging member. The attachment could fit within a towing hitch (the towing hitch structure is not claimed) and be attached by an engaging member (the engaging member is not positively recited in the claim).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Steven M. Marsh

April 15, 2005



RAMON O. RAMIREZ
PRIMARY EXAMINER